

LABOUR DEPARTMENT

The 26th June, 1980

No. 11(112)-80-3 Lab/8253.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Leatherite Industries Limited, Plot No. 67, Sector 6, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 78 of 1980

between

SHRI RAM BHARAT VERMA, WORKMAN AND THE MANAGEMENT OF M/S LEATHERITE
INDUSTRIES LIMITED, PLOT NO. 67, SECTOR 6, FARIDABAD

Present :—

None for the workman.

Shri R. N. Raj, for the management.

AWARD

This reference No. 78 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/11/80/9456, dated 27th February, 1980, under section 10 (i) (c) of the Industrial Disputes Act, 1947, for adjudication the dispute existing between Shri Ram Bharat Verma, workman and the management of M/s Leatherite Industries Limited, Plot No. 67, Sector 6, Faridabad. The terms of the reference were:—

Whether the termination of Shri Ram Bharat Verma was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their authorised representatives. On 4th April, 1980, the management has filed the written statement. On the pleadings of both the parties, the following issues were framed :—

- (1) Whether the workman's termination amounts to automatic termination of his services? If so, to what effect.
- (2) If the issue No. 1 is decided in favour of the workman, the termination of the services is proper and justified? If not, to what effect? OPM
- (3) Relief.

On 29th May, 1980, the case was fixed for admission or denial of the documents by the workman for 10th June, 1980. On 10th June, 1980, the workman was not present, when the representative of the workman made a statement that he has no instructions from the workman concerned and he further said that he is no more interested in this case and does not want to pursue this reference now. In view of the statement of Shri B. M. Gupta, authorised representative of the workman, was ordered to be proceeded *ex parte* and the case was fixed for the *ex parte* evidence of the management for 11th June, 1980.

On 11th June, 1980, the *ex parte* evidence of the management was recorded. The management produced Shri P. C. Gupta, Factory Manager, its sole witness. He stated on oath that the workman was employed as Assistant Operator. The workman had applied for 12 days earned leave on 11th October, 1979, with effect from 13th October, 1979 to 24th October, 1979, as he (workman) wanted to go to home town in U. P. The photo copy of his leave application is Ex. M. 1. The leave was sanctioned by Shri S. G. Gupta. Shri Ram Bhagat Verma was required to report for duty on 25th October, 1979, after the expiry of his leave, but he did not do so. Instead Shri Ram Bhagat Verma sent a telegram for extension of 15 days leave. The extension was allowed. Ex. M. 2 is the Photo copy of this telegram. The extension of leave was up to 8th November, 1979. Shri Ram Bhagat Verma did not report for duty on 9th November, 1979. The management sent him a telegram requiring him to report for duty immediately otherwise his name will be struck off from the muster roll. Exhibit M. 3 is the photo copy of the said telegram. Shri Ram Bhagat Verma did not report for duty after the telegram was sent to him. The management waited

for him up to 25th November, 1979, when his name was struck off the muster roll of the respondent Company. The management also sent him a letter by U. P. C. informing him that his name has been struck off. Exhibit M. 4 is the photo copy of the said letter, Ex. M 5 is the photo copy of U. P. C. Exhibit M. 6 is the abstract of the attendance record of Shri Ram Bhagat Verma showing his absence from 10th November, 1979 to 25th November, 1979. The factory is governed by Model Standing order. Exhibit M 7 is the abstract of clause 16(4) of the M. S. O. The management did not terminate the services of the workman. It is a case of automatic termination in accordance with the clause 16(4) of the M. S. O, as the workman had lost lien on his appointment for remaining absent from the duty for more than ten days.

In view of the un rebutted *ex parte* evidence produced by the management, I am left with no choice except to believe the version of the management. Over and above this my finding gets support from the absention of the workman in the proceedings in this court of this reference. I find that the termination of the services of the workman by the management is quite legal, proper and justified. I thus answer the reference while returning the award in these terms. No order as to costs.

I. P. CHAUDHARY,

Dated the 16th June, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 986, dated the 20th June, 1980.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 4th July, 1980

No. 11(112)-80-3Lab/8345.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Lalwani and Co., 15/5, Mathura Road, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 147/80

between.

SHRI PREM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S LALWANI
AND CO., 15/5, MATHURA ROAD, FARIDABAD

Present.—

Workman with Shri P. K. De.

None for the respondent management.

AWARD

This reference No. 147 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/16-80/10604, dated 27th February, 1980, under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Prem Parkash, workman and the management of M/s Lalwani and Co., 15/5, Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Prem Parkash was justified and in order?
If not, to what relief is he entitled?

After receiving this reference, notices were issued to both the parties. On 29th May, 1980, Shri Prem Parkash appeared on his own behalf, but no one appeared on behalf of the management.

The management had refused to accept the notice, so I passed *ex parte* order against the management and fixed the case for *ex parte* evidence of the workman for 3rd June, 1980. On 3rd June, 1980 the workman appeared before this court as WW-1. The workman stated that he was working with the respondent company from 8th February, 1977 as a compositor. The workman was getting Rs. 350 p. m. at the time of termination. The workman further stated that he had not given a chance to the management regarding his work. The management terminated his services on 6th December, 1979. The workman made a complaint to the management which was Ex. W-1. The management had refused to accept the letter by hand so the workman sent the letter through registered A. D. The receipt of this letter is Ex. W-2 and acknowledgement is Ex. W-3. The workman sent a letter to the Labour Inspector which is Ex. W-4. The workman further stated that he was unemployed from the date of termination and he be re-instated with full back wages and closed his case.

Keeping in view the circumstances of the case, I see no reason why the unrebutted statement given on oath by the workman should not be relied upon especially when the management chose not to appear and defend this reference before this Court. So I relying upon the unrebutted statement of the workman, held that the termination of the services of the workman was unjustified and was not in order. He is entitled to be reinstated with full back wages, with costs viz. fixed at Rs. 100 of this reference.

I answer the reference while returning the same in these terms.

Dated the 23rd June, 1980.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1012, dated the 24th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab/8346.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Arora Industries, Plot No. 70, Sector 24 Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 70 of 1980

between

SHRI GOVIND DASS WORKMAN AND THE MANAGEMENT OF M/S ARORA
INDUSTRIES, PLOT NO. 70, SECTOR 24, FARIDABAD

Present :

Shri Govind Dass workman in person with Shri R. L. Sharma.

Shri R. S. Arora for the management.

AWARD

This reference No. 70 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/10-80/8731, dated 19th February, 1980 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Govind Dass workman and the management of M/s Arora Industries, Plot No. 70, Sector 24, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Govind Dass was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties and both the parties appeared before this court, through their authorised representatives. On 17th June, 1980 the case was fixed for settlement and presence of the workman, when the workman Shri Govind Dass made a statement in this court that he had received a sum of Rs. 400 (Rs. Four hundred only) in full and final settlement of his all claims including the rights of re-instatement or re-employment with the respondent management. He has also stated that now there is no dispute left with the respondent Company.

I thus relying on the statement of Shri Govind Dass workman hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties, therefore, I give my award accordingly. No order as to costs. So this award is in answer of this reference.

I. P. CHAUDHARY,

Dated 23rd June, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1011, dated 24th June, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 11th July, 1980

No. 11(112)-80-3Lab/8556.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. R. K. Packing Works, 7 Dharam Kanta Mujassar, N.I.T., Faridabad.

IN THE COURT OF SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 166 of 1980

between

SHRI MANI KANT SHARMA, WORKMAN AND THE MANAGEMENT OF M/S.
R. K. PACKING WORKS, 7 DHARAM KANTA MUJASSAR, N. I. T.,
FARIDABAD

Present:

Shri R. L. Sharma, for the workman.

None for the Management.

AWARD

This reference No. 166 of 1980 has been referred to this court by the Hon'ble Governor of Haryana, —vide his order No. ID/FD/33-80/12618, dated 10th March, 1980 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Mani Kant Sharma workman and the management M/s. R. K. Packing Works, 7 Dharam Kanta, Mujassar, N.I.T., Faridabad.

The term of the reference was—

“Whether the termination of services of Shri Mani Kant Sharma was justified and in order ?
If not, to what relief is he entitled?”

After receiving this reference notices were issued to both the parties for 22nd May, 1980. On 22nd May, 1980 Shri R. L. Sharma appeared on behalf of the workman. No one was present on behalf of the respondent management. Notice could not be served on the management as it was recorded that there was no

firm in the above name and style and it was ordered to the representative of the workman to file the correct address of the respondent management for 23rd May, 1980. On the day, the case was again adjourned for filing the correct address of the respondent Company for 24th May, 1980. On that day the workman filed the correct address of the respondent and notice was sent to the management for 18th June, 1980. On 18th June, 1980 the representative of the workman Shri R. L. Sharma made a statement in this court that there were some defects in this reference, so he did not want to pursue this reference. He also stated that he had withdrawn this reference.

In view of the above statement of Shri R. L. Sharma, authorised representative of the workman, I give my award accordingly and hold that there is now no disputes remain to be adjudicated between the parties. No order as to costs. So this award is in answer of this reference.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated the 30th June, 1980.

Endst. No. 1080, dated 1st July, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that receipt of award may please be acknowledged within week's time.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 11(112)-80-3Lab/8557.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. R. K. Packing Works, 7 Dharam Kanta Mujassar, N.I.T., Faridabad.

IN THE COURT OF SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 165 of 1980

between

SHRI RAGHU NATH WORKMAN AND THE MANAGEMENT M/S. R. K. PACKING WORKS, 7 DHARAM KANTA, MUJASSAR, N.I.T., FARIDABAD

Present:

Shri R. L. Sharma for the workman.

None for the management.

AWARD

This reference No. 165 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/33-80/12612, dated 10th March, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Raghu Nath workman and the management of M/s R. K. Packing Works, 7 Dharam Kanta, Majassar, NIT, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Raghu Nath was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties for 22nd May, 1980. On 22nd May, 1980 Shri R. L. Sharma appeared on behalf of the workman. No one was present on behalf of the respondent management. Notice could not be served on the management as it was reported that there was no firm in the above name and style and it was ordered to the representative of the workman to file the correct address of the respondent management for 23rd May, 1980. On that day, the case was again adjourned for filing the correct address of the respondent Company for 24th May, 1980. On that day the workman filed the correct address and notice was sent to the management for 18th June, 1980. On 18th June, 1980 the representative of the workman Shri R. L. Sharma made a statement in this court that there were some defects in this reference, so he did not want to pursue this reference. He also stated that he had withdrawn this reference.

In view of the above statement of Shri R. L. Sharma, authorised representative of the workman, I give my award accordingly and hold that there is now no dispute remains to be adjudicated between the parties. No order as to costs. So this award is in answer of this reference.

Dated the 30th June, 1980.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1079, dated 1st July, 1980

Forward (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that receipt of award may please be acknowledged within week's time.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab/8576.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Madho Ram, son of Shri Arjan Singh. Owner of Saw Mill, Opp. Police Line, Railway Road, Narnaul.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 192 of 1980

between

SHRI PARBHA RAM, WORKMAN AND THE MANAGEMENT OF M/S MADHO RAM
SON OF SHRI ARJAN SINGH, OWNER OF THE SAW MILL, OPP. POLICE LINE,
RAILWAY ROAD, NARNAUL.

Present :—

Shri S. K. Goswami, for the workman.

Shri S. K. Yadav, for the management.

AWARD

This reference No. 192 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/7-80/14401, dated 20th March, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Parbha Ram workman and the management of M/s Madho Ram, son of Shri Arjan Singh, Owner of Saw Mill, opposite Police Line, Railway Road, Narnaul. The term of the reference was :—

Whether the termination of services of Shri Parbha Ram was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties and both of the parties appeared before this court through their authorised representatives. On 26th June, 1980 the case was fixed for claim statement, when the representative of the workman Shri S. K. Goswami made a statement in this court that he has no instructions from the workman concerned and he further stated that he is no more interested in the dispute and does not want to pursue this reference now.

On the other hand the representative of the management stated that the Government had referred to reference of the same workman and against the same management. The reference No. 239 of 1980 is lying pending in this court. So this reference may be filed, which is for the same claim.

As neither the workman himself nor his authorised representative is pursuing the dispute, therefore, I give my award that there exist no dispute between the parties on the issue as referred to in this court for adjudication. I thus answer the reference while returning the award in these terms.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana, Faridabad.

The 26th June, 1980.

Endst. No. 1068, dated the 1st July, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 11(112)-80-3Lab/8709.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/S Rawal Industries Pvt. Ltd., Bahadurgarh:—

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 174 of 1977

Between

THE WORKMEN AND THE MANAGEMENT OF M/S RAWAL INDUSTRIES PVT.
LTD., BAHADURGARH

Present :—

Shri Dhan Singh, for the workmen.

Shri D. C. Chadha, for the management.

AWARD

1. By order No. ID/RK-238-77/46632, dated 24th October, 1977, the Governor of Haryana referred the following disputes between the management of M/s. Rawal Industries Pvt. Ltd., Bahadurgarh and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workmen are entitled to the grant of bonus for the year 1975-76, If so, with what details ?
- (2) Whether the termination of services of Shri Jagdish Chander was justified and in order ? If so, with what details ?
- (3) Whether the grades and scales of pay of the workmen should be framed ? If so, with what details ?
- (4) Whether the workmen should be supplied uniforms and pair of shoes? If, so, with what details ?
- (5) Whether the workmen should be provided housing accomodation or allowance in lieu thereof? If so, with what details ?
- (6) Whether the annual increment of the workmen withheld by the management for the year 1975-76 should be granted? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 9th February, 1978 and the case was fixed for the evidence of the management on issue No. 1. The management examined Shri Gurcharan Singh, their Managing Director as MW-1 and closed their case on issue No. 1. Then the case was fixed for the evidence of the workmen. The workmen examined Shri Mohan Lal as WW-1 and tendered in evidence S/Shri Bhola Parshad, Shiv Nath Parshad, Satbir as WW-2, WW-3 and WW-4 and examined Shri Prit Singh, Clerk of the Labour Inspector, Bahadurgarh, as WW-5 and closed their case on issue No. 1. On 21st March, 1980, I ordered that all the issues be tried together for early disposal of the reference with the consent of the parties and the case was fixed for the evidence of the workmen. The workmen examined Shri Trilok Chand as WW-6 and Shri Mohan Lal as WW-7 and closed their case. Then the case was fixed for the evidence of the management. On the last date of hearing the representative for

the management stated that a settlement has been arrived at between the parties and the workmen have withdrawn the disputes,—vide Ex. M-1. The representative for the workmen also stated that he had also received a copy of Ex. M-1 from their workmen by post. In view of the statements given by both the parties, I give my award that there is no dispute between the parties as the disputes have been settled between the parties.

Dated the 28th June, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 589, dated 30th June, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-80-3Lab./8710.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s The Sirsa Central Co-operative Bank Ltd., Sirsa:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 521 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S. THE SIRSA CENTRAL
CO-OPERATIVE BANK, LTD., SIRSA

Present,—

Shri S. R. Gupta, for the workmen.

Shri Amar Singh, for the management.

AWARD

1. By order No. ID/HSR/1-A-78/49319, dated 3rd November, 1978, the Governor of Haryana referred the following disputes between the management of M/s. The Sirsa Central Co-operative Bank Ltd., Sirsa and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the *ad hoc* employees are entitled to grant of annual increments ? If so, with what details ?
- (2) Whether the *ad hoc* employees are entitled to earned leave ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 26th February, 1979 and the case was fixed for the evidence of the workmen. But on the last date of hearing the representative for the workmen stated that a settlement has been arrived at between the parties. I, therefore, give my award that there is no dispute between the parties as a settlement has been arrived at between the parties as stated by the representative for the workmen.

Dated the 26th June, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 588, dated the 30th June, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.